

**Commission Review
Log of Permanent Rule Filings
May 21, 2021 through June 21, 2021**

* Approval Recommended, ** Objection Recommended *** Other

SOCIAL SERVICES COMMISSION

The rules in Chapter 70 concern Children's Services.

The rules in Subchapter 70M concern adoption standards including general provisions (.0100); organization and administration (.0200); functions of a public adoption agency (.0300); regular monthly cash adoption assistance and vendor payments (.0400); out-of-state adoption fees (.0500); non-recurring adoption costs (.0600); and special need adoption incentive fund (.0700).

<u>Definitions</u>	10A NCAC 70M .0102
Adopt*	
<u>Public Adoption Agencies</u>	10A NCAC 70M .0201
Readopt with Changes*	
<u>Functions of a Public Adoption Agency</u>	10A NCAC 70M .0301
Readopt with Changes*	
<u>Services to Adoptive Applicants</u>	10A NCAC 70M .0302
Readopt with Changes*	
<u>Multiethnic Placement Act Requirements for Adoptive Home ...</u>	10A NCAC 70M .0304
Readopt with Changes*	
<u>Regular Monthly Cash Adoption Assistance and Vendor Payments</u>	10A NCAC 70M .0401
Readopt with Changes*	
<u>Eligibility Requirements for Regular Monthly Cash Assista...</u>	10A NCAC 70M .0402
Readopt with Changes*	
<u>Procedures/Reimbursement of Adoption Assistance Benefits</u>	10A NCAC 70M .0403
Readopt without Changes*	
<u>Eligibility Requirements for the Special Children Adoptio...</u>	10A NCAC 70M .0404
Readopt/Repeal*	
<u>Payments from the Special Children Adoption Incentive Fund</u>	10A NCAC 70M .0405
Readopt/Repeal*	
<u>Out of State Adoption Fees</u>	10A NCAC 70M .0501
Readopt with Changes*	
<u>General Eligibility Requirements</u>	10A NCAC 70M .0502
Readopt/Repeal*	
<u>Public Adoption Agency Requirements</u>	10A NCAC 70M .0601
Readopt with Changes*	
<u>Eligible Non-Recurring Adoption Expenses</u>	10A NCAC 70M .0602
Readopt with Changes*	
<u>Requirements</u>	10A NCAC 70M .0603
Readopt/Repeal*	
<u>Prohibition on Reimbursement Caps</u>	10A NCAC 70M .0604
Readopt with Changes*	
<u>Eligibility Requirements for the Special Need Adoption In...</u>	10A NCAC 70M .0701
Adopt*	

Payments from the Special Need Adoption Incentive Fund 10A NCAC 70M .0702
 Adopt*

The rules in Subchapter 71K concern problem pregnancy services.

Methods of Provision 10A NCAC 71K .0101
 Readopt/Repeal*

Freedom of Choice 10A NCAC 71K .0102
 Readopt/Repeal*

The rules in Chapter 71 concern adult and family support.

The rules in Subchapter 71L concern the maternity home funds.

Nature and Scope 10A NCAC 71L .0101
 Readopt with Changes*

Approval Criteria 10A NCAC 71L .0102
 Readopt with Changes*

Application Process 10A NCAC 71L .0103
 Readopt with Changes*

Additional Requirements for the Private Agency 10A NCAC 71L .0104
 Readopt/Repeal*

Procedure for Approval and Payment 10A NCAC 71L .0105
 Readopt with Changes*

Development of Service Plan 10A NCAC 71L .0106
 Adopt*

Assessing the Appropriateness of Alternative Types of Liv... 10A NCAC 71L .0107
 Adopt*

The rules in Subchapter 71O concern refugee assistance services.

Refugee Assistance Services 10A NCAC 71O .0101
 Readopt without Changes*

Service Goals 10A NCAC 71O .0102
 Readopt with Changes*

Methods of Service Provision 10A NCAC 71O .0103
 Readopt with Changes*

Eligibility 10A NCAC 71O .0104
 Readopt with Changes*

The rules in Chapter 71 are from the Social Services Commission and cover various adult and family support services. These are generally administered by the Division of Social Services within the Department of Health and Human Services. The rules in Subchapter 71U cover the Food Assistance Program. They include administration and supervision (.0100); all the program's substantive requirements transferred from the program manual (.0200); the substantive requirements to complete various forms (.0300); and electronic benefit transfer cards and fair hearings (.0400).

Administration and Supervision 10A NCAC 71U .0101
 Readopt with Changes*

Intentional Program Violation Disqualification 10A NCAC 71U .0201
 Readopt with Changes*

Fair Hearings 10A NCAC 71U .0203
 Readopt/Repeal*

Denial of Zero Benefit Households 10A NCAC 71U .0204

Readopt without Changes*				
<u>Immediate Termination or Reduction of Assistance</u>	10A	NCAC	71U	.0205
Readopt without Changes*				
<u>Standard Utility Allowances</u>	10A	NCAC	71U	.0206
Readopt without Changes*				
<u>Social Security Numbers</u>	10A	NCAC	71U	.0207
Readopt without Changes*				
<u>Second Party Review</u>	10A	NCAC	71U	.0209
Readopt without Changes*				
<u>Income Exclusions</u>	10A	NCAC	71U	.0210
Readopt without Changes*				
<u>Vehicle Determinations</u>	10A	NCAC	71U	.0211
Readopt/Repeal*				
<u>Transitional FNS Benefits</u>	10A	NCAC	71U	.0212
Readopt without Changes*				
<u>Simplified Reporting</u>	10A	NCAC	71U	.0213
Readopt with Changes*				
<u>Deductions</u>	10A	NCAC	71U	.0214
Readopt/Repeal*				
<u>Resource Exclusions</u>	10A	NCAC	71U	.0215
Readopt without Changes*				
<u>Medical Deductions for Medicare Prescription Drug Card Be...</u>	10A	NCAC	71U	.0216
Readopt/Repeal*				
<u>Household Application</u>	10A	NCAC	71U	.0302
Readopt without Changes*				
<u>Authorized Representative Form</u>	10A	NCAC	71U	.0303
Readopt without Changes*				
<u>Electronic Benefit Transfer (EBT) Card Replacement Fee</u>	10A	NCAC	71U	.0401
Readopt without Changes*				
<u>Fair Hearings</u>	10A	NCAC	71U	.0402
Readopt/Repeal*				

The rules in Subchapter 71V concern the low income energy assistance program.

<u>Groups Covered</u>	10A	NCAC	71V	.0102
Readopt with Changes*				
<u>Eligibility Requirements</u>	10A	NCAC	71V	.0103
Readopt with Changes*				
<u>Benefit Levels</u>	10A	NCAC	71V	.0104
Readopt/Repeal*				
<u>Method of Payment</u>	10A	NCAC	71V	.0105
Readopt with Changes*				
<u>Duplicate Payments and Overpayments</u>	10A	NCAC	71V	.0106
Readopt with Changes*				
<u>Suspected Fraud</u>	10A	NCAC	71V	.0107
Readopt with Changes*				
<u>Appeals</u>	10A	NCAC	71V	.0108
Readopt/Repeal*				
<u>Eligibility Requirements</u>	10A	NCAC	71V	.0201
Readopt with Changes*				

<u>Benefit Levels</u>	10A NCAC 71V .0202
Readopt with Changes*	
<u>Method of Payment</u>	10A NCAC 71V .0203
Readopt with Changes*	
<u>Overpayments and Suspected Fraud</u>	10A NCAC 71V .0204
Readopt with Changes*	
<u>Appeals</u>	10A NCAC 71V .0205
Readopt/Repeal*	

The rules in Subchapter 71W concern general program administration (.0100); coverage (.0200); application process (.0300); eligibility factors (.0400); redetermination of eligibility (.0500); payment procedures (.0600); emergency assistance coverage (.0700); unemployed parent program (.0800); and transitional child care (.0900).

<u>Definitions</u>	10A NCAC 71W .0101
Readopt with Changes*	
<u>Initial Interview</u>	10A NCAC 71W .0302
Readopt with Changes*	
<u>Eligibility Determination Process</u>	10A NCAC 71W .0303
Readopt without Changes*	
<u>Effective Date</u>	10A NCAC 71W .0304
Readopt without Changes*	
<u>United States Citizenship</u>	10A NCAC 71W .0403
Readopt without Changes*	
<u>Kinship and Living with a Specified Relative</u>	10A NCAC 71W .0404
Readopt with Changes*	
<u>Residence</u>	10A NCAC 71W .0405
Readopt with Changes*	
<u>Dreams</u>	10A NCAC 71W .0407
Readopt with Changes*	
<u>Income</u>	10A NCAC 71W .0408
Readopt with Changes*	
<u>Prospective Budgeting and Quarterly Reporting</u>	10A NCAC 71W .0410
Readopt with Changes*	
<u>Jobs Program (JOBS)</u>	10A NCAC 71W .0412
Readopt/Repeal*	
<u>Two-Parent Families</u>	10A NCAC 71W .0413
Readopt/Repeal*	
<u>Interview</u>	10A NCAC 71W .0502
Readopt without Changes*	
<u>Home Visits</u>	10A NCAC 71W .0503
Readopt without Changes*	
<u>Check Issuance</u>	10A NCAC 71W .0601
Readopt with Changes*	
<u>Receipt and Use of Checks</u>	10A NCAC 71W .0602
Readopt/Repeal*	
<u>Lost, Stolen and Forged Checks</u>	10A NCAC 71W .0603
Readopt/Repeal*	
<u>Correction of Overpayments</u>	10A NCAC 71W .0604
Readopt with Changes*	

<u>Corrections of Underpayments</u> Readopt without Changes*	10A NCAC 71W .0605
<u>Client Fraud and Intentional Violations</u> Readopt with Changes*	10A NCAC 71W .0606
<u>Determination of Payment Amount</u> Readopt/Repeal*	10A NCAC 71W .0607
<u>Benefit Levels</u> Readopt with Changes*	10A NCAC 71W .0704

The rules in Chapter 72 concern educational assistance including general rules (.0100); eligibility (.0200); and application (.0300).

<u>Definitions</u> Amend*	10A NCAC 72 .0102
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INSURANCE, DEPARTMENT OF

The rules in Chapter 6 are from the Agent Services Division.

The rules in Subchapter 6A cover general provisions (.0100); forms (.0200); examinations (.0300); licensing (.0400); license renewals and cancellations (.0500); license denials (.0600); prelicensing education (.0700); continuing education (.0800); and public adjusters (.0900).

<u>Licensing of Resident Agent, LTD Representative and Adjuster</u> Amend*	11 NCAC 06A .0402
<u>Renewal of Agent Appts: Licenses/Limited Reps</u> Amend*	11 NCAC 06A .0501

The rules in Chapter 13 are from the Agent Services Division - Non-Insurance Entities including general provisions (.0100); insurance premium finance companies (.0300); motor clubs (.0400); and bail bondsmen and runners (.0500).

<u>Salesmen to be Licensed Insurance Agents</u> Amend*	11 NCAC 13 .0410
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INDUSTRIAL COMMISSION

The rules in Subchapter 23E concern the administrative rules of the Industrial Commission including administration (.0100); fees (.0200); and the rules of the commission (.0300).

<u>Emergency Orders and Directives of the Chief Justice of t...</u> Adopt*	11 NCAC 23E .0302
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CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9A cover the Commission organization and procedure (.0100) and enforcement of the rules (.0200).

<u>Summary Suspensions</u> Amend*	12 NCAC 09A .0206
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The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Minimum Standards for Criminal Justice Officers</u> Amend*	12	NCAC	09B	.0101
<u>Certification Training for School Resource Officers</u> Amend*	12	NCAC	09B	.0313
<u>Trainee Attendance</u> Amend*	12	NCAC	09B	.0404

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Physical and Mental Standards</u> Amend*	12	NCAC	09G	.0205
<u>Moral Character</u> Amend*	12	NCAC	09G	.0206
<u>Suspension: Revocation: or Denial of Certification</u> Amend*	12	NCAC	09G	.0504
<u>Summary Suspension</u> Amend*	12	NCAC	09G	.0506

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); and firearms in-service training and re-qualification (.2100).

<u>Certification and Training for School Resources Officers</u> Amend*	12	NCAC	10B	.0510
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COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary

structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

AECs Within Ocean Hazard Areas 15A NCAC 07H .0304
Amend*

Technical Standards for Beach Fill Projects 15A NCAC 07H .0312
Amend*

The rules in Subchapter 7J concern procedures for handling major development permits, variance requests, appeals from minor development permit decisions and declaratory rulings. They include definitions (.0100); permit application and procedures (.0200); hearing procedures (.0300); final approval and enforcement (.0400); general permits (.0500); declaratory rulings and petitions for rulemaking (.0600); procedures for considering variance petitions (.0700); general permit procedure (.1100); static vegetation line exception procedures (.1200); and development line procedures (.1300).

Requesting the Static Line Exception 15A NCAC 07J .1201
Readopt without Changes*

Review of the Static Line Exception Request 15A NCAC 07J .1202
Readopt without Changes*

Procedure for Approving the Static Line Exception 15A NCAC 07J .1203
Readopt without Changes*

Review of the Large-Scale Beach-Fill Project and Approved... 15A NCAC 07J .1204
Readopt without Changes*

Revocation and Expiration of the Static Line Exception 15A NCAC 07J .1205
Readopt without Changes*

Local Government and Communities with Static Vegetation L... 15A NCAC 07J .1206
Readopt without Changes*

Requesting the Development Line 15A NCAC 07J .1301
Readopt without Changes*

Procedures for Approving the Development Line 15A NCAC 07J .1302
Readopt without Changes*

Local Governments and Communities with Development Lines 15A NCAC 07J .1303
Readopt without Changes*

The rules in Subchapter 7K set out activities in areas of environmental concern (AECs) which do not require a Coastal Area Management Act (CAMA) permit. These include activities that are not considered development (.0100); exempt minor maintenance and improvement (.0200); and exempt federal agency activities (.0400).

Single Family Residences Exempted 15A NCAC 07K .0208
Readopt without Changes*

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16Q concern general anesthesia and sedation including definitions (.0100); general anesthesia (.0200); parenteral conscious sedation (.0300); enteral conscious sedation (.0400); renewal of permits (.0500); reporting and penalties (.0600); and penalty for non-compliance (.0700).

<u>Application for General Anesthesia or Sedation Permit, Pe...</u> Adopt*	21	NCAC	16Q	.0102
<u>Itinerant (Mobile) General Anesthesia Permit, Equipment a...</u> Amend*	21	NCAC	16Q	.0206
<u>Annual Review of General Anesthesia and Itinerant (Mobile...</u> Amend*	21	NCAC	16Q	.0207
<u>Annual Renewal of Moderate Parenteral and Enteral Conscio...</u> Amend*	21	NCAC	16Q	.0305
<u>Annual Renewal of Moderate Pediatric Conscious Sedation P...</u> Amend*	21	NCAC	16Q	.0407
<u>Minimal Conscious Sedation Credentials and Permit</u> Amend*	21	NCAC	16Q	.0504
<u>Minimal Conscious Sedation Clinical Requirements and Equi...</u> Amend*	21	NCAC	16Q	.0505
<u>Annual Renewal of Minimal Conscious Sedation Permit</u> Adopt*	21	NCAC	16Q	.0506
<u>Procedure for Minimal Conscious Sedation Evaluation or In...</u> Adopt*	21	NCAC	16Q	.0507

MEDICAL BOARD/BOARD OF NURSING

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

<u>Prescribing Authority</u> Amend*	21	NCAC	32M	.0109
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MEDICAL BOARD

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

<u>Reporting Criteria</u> Amend*	21	NCAC	32M	.0117
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NURSING, BOARD OF/NC MEDICAL BOARD

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

<u>Prescribing Authority</u> Amend*	21	NCAC	36	.0809
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PHARMACY, BOARD OF

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

Compounding 21 NCAC 46 .2801
Amend*

PHYSICAL THERAPY EXAMINERS, BOARD OF

The rules in Subchapter 48D concern examinations.

Persons Refused Examination Permission 21 NCAC 48D .0107
Amend*

Retaking Examination 21 NCAC 48D .0109
Amend*

Applicants with Special Needs 21 NCAC 48D .0111
Amend*

The rules in Subchapter 48E deal with the requirements for application for licensure (.0100).

Filing Application and Board Determination of Exam Eligib... 21 NCAC 48E .0101
Amend*

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

The rules in Chapter 63 deal with Social Work Certification including general rules (.0100); certification (.0200); examinations (.0300); renewal of certification (.0400); ethical guidelines (.0500); disciplinary procedures (.0600); adoption of rules (.0700); and professional corporations and limited liability companies.

Work Experience 21 NCAC 63 .0211
Amend*

VETERINARY MEDICAL BOARD

The rules in Chapter 66 are from the Veterinary Medical Board including statutory and administrative provisions (.0100); practice of veterinary medicine (.0200); examination and licensing procedures (.0300); rules petitions hearings (.0400); declaratory rulings (.0500); administrative hearings procedures (.0600); administrative hearings decisions related rights (.0700) and judicial review (.0800).

Veterinary Telemedicine 21 NCAC 66 .0211
Adopt*

ADMINISTRATIVE HEARINGS, OFFICE OF

The rules in Chapter 1 are general provisions for the Office of Administrative Hearings including petition for rule-making and declaratory rulings.

Cost To Public 26 NCAC 01 .0103
Amend*

The rules in Chapter 3 are from the Hearings Division and cover procedure (.0100); mediated settlement conferences (.0200); simplified procedures for medicaid applicant and recipient repeals (.0400); and electronic filing (.0500).

Official Record 26 NCAC 03 .0123
Amend*

BUILDING CODE COUNCIL

2018 NC Residential Code/Mandatory Requirements N1106.2
Amend*

2018 NC Residential Code/General M1402.1
Amend*

2018 NC Residential Code/Heat Pumps M1403.1
Amend*

NC Residential Code/References UL/CSA/ANCE 60335-2-40 & A... Chapter 44
Amend*

2018 NC Building Code 403.4.5/916
Amend*

2018 NC Mechanical Code/General 908.1
Amend*

2018 NC Mechanical Code/Forced-Air Furnaces and Heat Pumps 918.1/918.2
Amend*

2018 NC Mechanical Code/Factory-Built Equipment and Appli... 1101.2
Amend*

2018 NC Mechanical Code/References UL/CSA 60335-2-40 & AS... Chapter 15
Amend*

2018 NC Energy Code/Definitions Chapter 2
Amend*

2018 NC Energy Code/Mandatory Requirements R406.2
Amend*

2018 NC Fire Code/Revocation 304.4.4
Repeal*

2018 NC Fire Code/Emergency Responder Communications Cove... 510
Amend*

2020 NC Electrical Code
Adopt*